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U.S. DISTRICT COURT
DISTRICT OF WYOMING
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STEPHAN HARRIS, CLERK
CHEYENNE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANDREW LAMBERT SILICANI,

Defendant.

Criminal No: 15-MJ-13-12

MOTION TO SEAL CASE

The United States of America, by and through its attorney, Thomas Szott, Assistant United States Attorney for the District of Wyoming, hereby moves the court for an order sealing this case until such time that the Defendant named above has appeared for his initial appearance. Additionally, the United States moves for an order that the original complaint and affidavit remain sealed thereafter, with redacted versions for the public record.

Federal Rule of Criminal Procedure 49.1 deals with privacy protection in court filings. The Rule requires certain redactions as matters of course, although these redaction requirements do not apply to charging documents and supporting affidavits. *See* FED. R. CRIM. P. 49.1(b)(9). However, as relevant here, the Rule contains the following provisions:

(d) Filings Made Under Seal. The court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record.

(e) Protective Orders. For good cause, the court may by order in a case:

- (1) require redaction of additional information; or
 - (2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.
- (f) Option for Additional Unredacted Filing Under Seal.** A person making a redacted filing may also file an unredacted copy under seal. The court must retain the unredacted copy as part of the record.

The present case should be sealed until the Defendant has appeared for his initial appearance. The investigation is ongoing. The Defendant and various potential witnesses are inmates at the Wyoming State Penitentiary. Making this case public before the Defendant's initial appearance could compromise the investigation and endanger the safety of the Defendant or potential witnesses. Thus, the case should be sealed until the Defendant has made his initial appearance.

Furthermore, although Rule 49.1 does not require redactions, good cause exists for sealing the original complaint and affidavit and permitting the United States to file redacted versions for the public record. The original documents contain personal identifying information about the intended victims of a murder-for-hire. Sealing the original complaint and affidavit will promote the security and privacy of these victims.¹

For these reasons, the United States moves for an order sealing this case until the Defendant has made his initial appearance. Furthermore, pursuant to Rule 49.1(d)-(f), the United States moves for an order sealing the original complaint and affidavit and permitting the United States to file versions of these documents for the public record with all personal identifying information of the victims, including names and addresses, redacted.

¹ Sealing the original complaint and affidavit would also comport with the aims of the Crime Victims Rights Act, which provides victims with certain statutory rights, including the right to be "reasonably protected from the accused" and "treated with . . . respect for the victim's dignity and privacy." 18 U.S.C. § 3771(a)(1), (8).

Dated this 12th day of February, 2015.

Respectfully submitted,

CHRISTOPHER A. CROFTS
United States Attorney

By: Thomas Szott
THOMAS SZOTT
Assistant United States Attorney